

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PHILLIP T. JOHNSON,

Plaintiff,

v.

SUPERINTENDENT MALDONALDO, ET AL.,

Defendants.

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ORDER

05-CV-859S

Plaintiff has filed a second Motion to Appoint Counsel.<sup>1</sup> (Docket No. 8.) Under the standards promulgated in Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997) and Hodge v. Police Officers, 802 F.2d 58, 60-62 (2d Cir. 1986), this Court will deny Plaintiff's Motion for Appointment of Counsel without prejudice at this time.

IT HEREBY IS ORDERED, that Plaintiff's Motion to Appoint Counsel (Docket No. 8) is DENIED without prejudice.

SO ORDERED.

Dated: January 31, 2007  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge

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<sup>1</sup>Plaintiff filed the present Motion to Appoint Counsel just 11 days after this Court denied his first motion. (See Docket No. 7.)